

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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RANDALL ARTHUR RADUNZ,

Petitioner,

v.

DAVID H. SCHWARZ, Wisconsin Division of  
Hearing and Appeals, STATE OF WISCONSIN  
and PIERCE COUNTY DISTRICT ATTORNEY,

Respondents.

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ORDER

09-cv-168-slc

Petitioner Randall Radunz, a prisoner currently confined at the Minnesota Correctional Facility in Faribault, Minnesota, has filed a pleading styled as a petition for writ of error coram nobis pursuant to 28 U.S.C. § 1651. He has included with his petition a check in the amount of \$5. Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner plaintiff is required to pay the statutory filing fee of \$350 for a federal lawsuit. Because \$5 is not enough to cover the full amount of the \$350 filing fee, I will construe the petition to include a request for leave to proceed *in forma pauperis*. A decision on the request will be delayed until petitioner submits a copy of his six-month trust fund account statement.

Petitioner's pleading was submitted on March 23, 2009. His trust fund account statement should cover the six-month period beginning approximately September 22, 2008 and ending approximately March 23, 2009. Once petitioner has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that petitioner may have until April 16, 2009, in which to submit a trust fund account statement for the period beginning September 22, 2008 and ending March 23, 2009. If, by April 16, 2009, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 27<sup>th</sup> day of March, 2009.

BY THE COURT:

/s/

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STEPHEN L. CROCKER  
Magistrate Judge